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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,448	12/13/2001	Devadatta V. Bodas	042390.P13584	1626

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EXAMINER	
MILLER, CRAIG S	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/822,448	Bodas	
Examiner	Group Art Unit	
Craig Steven Miller	2857	MW

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 26 February 2001.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*
>
> *Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

2. Claims 1-3, 5-13, 15-23 and 25-27 are rejected under 35 U.S.C. 103 as being unpatentable over Layton *et al.* (US 2002/0066045 A1 prepublication of 09/726,778).

As to claims 1, 5, 7, 11, 15, 17, 21, 25 and 27, Layton *et al.* specifically discloses (see bottom of col. 1), "*...determining the power required to supply adequate power to the components as well as to provide redundancy in the event of a failure... It is further desirable for the server system to be able to revise power supply requirements when components are added or removed from the server system.*" Layton *et al.* does not specify that the power supply requirement revision include data related to the number and type of each device components. Layton *et al.* discloses in col. 1 that, "*It is, however, possible that the system may be configured with fewer processors and/or disk drives*. Therefore Layton *et al.* is concerned at least with the net result of the number and type of device components. The Examiner notes that it is known to make and consider separate that which was known as integral, Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969). Therefore, because Layton *et al.* discloses that one should determine the power supply requirements of a server system as a sum of the component power requirements and because Layton *et al.* discloses the effect that subcomponent configurations have upon overall system power requirements, it would have been obvious to one of ordinary skill in the art at the time the invention was made that one should determine the number and type of components (comprising collections of sub-components) so as to receive the expected benefits derived there from such as enhanced

system accuracy absent a showing of unexpected results or synergistic effect from any particular claimed combination.

As to claims 2, 12 and 22, said claims are directed towards defining the component power consumption as actual component power consumption. Layton *et al.* discloses same in figure 2.

As to claims 3, 13 and 23, said claims are directed towards maintaining a power over-supply safety margin. Layton *et al.* discloses such a margin of safety as a power supply redundancy (col. 1, [212]).

More particularly with respect to claims 5, 15 and 25, Layton *et al.* discloses such maximum power consumption determination (col. 2, first paragraph).

More particularly with respect to claims 7 and 17, Layton *et al.* discloses such data display (top of column 4).

As to claims 8, 18 and 27, said claims are directed towards labeling the device with power consumption values. The Examiner notes that it is common practice to label electric powered devices with power requirements and in many instances, such labeling is required by law. Layton *et al.* discloses that the values of average and maximum power consumption are of interest within a server system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that one should label such network components with their consumption rates of interest so as to receive the expected benefits derived there from such as ease of overall system power requirement determination absent a showing of unexpected results or synergistic effect from any particular claimed combination.

As to claims 9, 10, 19 and 20, said claims are directed towards automating in software, whether locally or over the Internet, device configuration and power consumption. The Examiner notes that it is known to make automatic that which was performed manually and that software is a well known form of process automation within a computer network and furthermore that it is known to execute such automating software over the Internet, In re Venner, 120 USPQ 192 (CCPA 1958), "*Furthermore, it is well settled that it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result.*" Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to automate the power consumption determination of Layton *et al.* as modified above so as to receive the expected benefits derived there from such as ease of use and enhanced reliability of system power requirement determination, particularly including the ease of software updates when software is stored in centralized servers yet executed remotely over the Internet, absent a showing of unexpected results or synergistic effect from any particular claimed combination.

3. Claims 4, 14 and 24 are rejected under 35 U.S.C. 103 as being unpatentable over Layton *et al.* as applied to claims 1, 11 and 21 respectively, above, and further in view of McPherson (An Introduction to Electrical Machines and Transformers, ISBN 0-471-05586-7).

Said claims include consideration of the de-rating factor and or voltage regulator efficiency. As for de-rating factor, the Applicant defines same as a factor as a function of an estimated non-continuous use of a component. While Layton *et al.* does not specify such a factor, Layton *et al.* does disclose average power consumption [208] which is clearly related to the effective power consumption of a device over time. As for voltage regulator efficiency, McPherson discloses on pages 222-224 that the output of a power transformer is a percentage of the required power input into the transformer. Because such a system may be considered closed for efficiency analysis, energy in = energy out (loads) + energy losses (McPherson page 23+) and because such losses are known and because voltage regulator efficiency is one of many known such losses, it would have been obvious to one of ordinary skill in the art at the time the invention was made that one should consider the *effect* that such known losses have upon an energy system of interest so as to receive the expected benefits derived there from such as enhanced system power output determination absent a showing of unexpected results or synergistic effect from any particular claimed combination.

4. Claims 6, 16 and 26 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant claims determining which consumption rate to use in calculations based upon a comparison of the consumption rate and a threshold value. Because the consumption rate is therefore a

function of itself, one of ordinary skill in the art would not be able to determine the results of the comparison. Correction is required, the desired value used within the comparison must not be a function of the comparison.

5. The Examiner notes that while the prior art discloses determining actual or maximum power consumption for determining system total power requirements, the prior art of record neither disclose nor suggest that one should selectively consider the actual or maximum power consumption based upon the comparison of a known power consumption value of the device with a threshold value. This flaw precludes one of ordinary skill in the art from determining the metes and bounds of the claimed invention. Correction is required.

6. The prior art made of record but not relied upon is deemed pertinent to applicant's disclosure.

Sun (5,983,357) discloses computer power management.
Saito *et al.* (6,301,674 B1) discloses power control method on a power line.
Voegeli *et al.* (6,396,169 B1) discloses an intelligent power supply.
Ervin (6,504,266 B1) discloses a power up process including determining component requirements.
Cohen *et al.* (6,512,682 B2) discloses a power line interface for determining power requirements.
Koerber *et al.* (6,594,771 B1) discloses managing power in an electric device.
Berthaud *et al.* (6,625,736 B1) discloses power supply requirement determination.
Cohen *et al.* (US 2003/0005339 A1) discloses computer power control.
O'Conner *et al.* (US 2003/0056125 A1) discloses a strategic computer power supply sequencing.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Craig Steven Miller whose telephone number is (703) 305-9730. Central facsimile services are now available at (703) 872-9306.

The Examiner can normally be reached on Mondays-Friday from 7 am - 3:30 pm EST. Should repeated attempts to reach the Examiner be unsuccessful, the Examiner's Supervisor, Marc Hoff may be reached at (703) 308-1677.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Craig Steven Miller (ss)
11 December 2003

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800